

REMARKS

Claims 42-82 are pending in the application, with claims 42, 61, and 71 being the independent claims. Claim 80 has been rejected under 35 U.S.C. 112, second paragraph as being allegedly indefinite. Claims 42-82 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Russo (US 5,619,247) in view of Knight (US 6,243,350) and/or in view of Braitberg (WO 01/54410 A2). Acknowledgement of the drawings as formal is respectfully requested.

At the outset, Applicants would like to thank Examiner for her time and consideration during the previous interview and Applicants provide the present reply to the outstanding Office Action in light of the discussions had during the interview.

Claim 80

Claim 79, from which claim 80 depends, has been amended to provide antecedent basis to address the rejection under 35 U.S.C. 112, second paragraph.

Claims 42-82

Claims 42-82 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Russo (US 5,619,247) in view of Knight (US 6,243,350) and/or in view of Braitberg (WO 01/54410 A2). Without conceding the propriety of the rejections and arguments supporting the rejections of claims 42-82 in the Office Action prior to the amendments herein, Applicants submit Russo, Knight and Braitberg do not disclose the subject matter of the claims as amended.

Independent claims 42, 61, and 71 have been amended to recite “tracking with the reader device which and how many times the video segments are played, said tracking enabled via a controller and memory module of the reader device instructing a servo to move to tracks of said physical format containing video segments to be viewed.” Support for this amendment appears on page 14, lines 14-22 of the application as filed. Neither Russo, Knight, nor Braitberg describe tracking which video segments that are played as recited in amended claims 42, 61 and 71. For example, Russo describes that a debit will be “triggered by a play command” or “tied to the use of a decompression...or descrambling.” Col. 10,

DOCKET NO.: IVOO-0069
Application No.: 09/781,680
Office Action Dated: July 13, 2005

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

lines 18-21. In contrast, claims 42, 61 and 71 as amended describe tracking “enabled via a controller and memory module of the reader device instructing a servo to move to tracks of said physical format containing video segments to be viewed.”

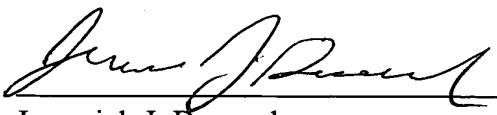
Thus, for at least the reasons above, Applicants submit that all the limitations of claims 42, 61, and 71 are not taught or suggested by Russo, Knight and Braitberg.

The remaining rejected claims either depend directly or indirectly from claims 42, 61 and 71, thus Applicants submit that all the limitations of these claims are not taught or suggested by Russo, Knight and Braitberg for at least the same reasons presented above. Since all the limitations of claims 42-82 are not taught or suggested by the individual references cited in the rejections by the Office Action, or any combination thereof, for at least the reasons presented above, withdrawal of the rejections is earnestly solicited.

CONCLUSION

Applicants believe that the present reply is responsive to each point raised by the Examiner in the Office Action and Applicants submit that claims 42-82 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner’s earliest convenience is earnestly solicited. However, should the Examiner find the claims as presented herein to not be allowable for any reason, Applicants’ undersigned representative earnestly requests a telephone conference at (206) 332-1392 with both the Examiner and the Examiner’s Supervisor to discuss the basis for the Examiner’s continued rejection in light of the Applicant’s arguments presented herein. Likewise, should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants’ undersigned representative would very much appreciate a telephone conference to discuss these issues.

Date: September 6, 2005


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